

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

DLJ MORTGAGE CAPITAL, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:16-cv-0085
)	
ANA SHERIDAN, ROY SHERIDAN,)	
DEPARTMENT OF TREASURY-INTERNAL)	
REVENUE SERVICE,)	
)	
Defendants.)	
)	

ORDER

BEFORE THE COURT is the motion of DLJ Mortgage Capital, Inc., (“DLJ”) seeking attorneys’ fees and costs from Ana Sheridan and Roy Sheridan. (ECF No. 168.) On January 8, 2021, the Magistrate Judge issued a report and recommendation recommending that the Court grant the motion in part and deny it in part. (ECF No. 193.) For the reasons outlined below, the Court will adopt the report and recommendation of the Magistrate Judge and grant DLJ’s motion in part and deny it in part.

I. FACTUAL AND PROCEDURAL HISTORY

DLJ initiated this action against Ana Sheridan and Roy Sheridan (collectively the “Sheridans”) for debt and foreclosure on October 20, 2016. On August 10, 2018, after holding a bench trial, the Court entered judgment in favor of DLJ.

Subsequently, on August 24, 2018, DLJ filed a motion seeking attorneys’ fees and costs (the “fee petition”). DLJ’s fee petition seeks an award of attorneys’ fees in the amount of \$36,390 and costs in the amount of \$2,226.58. Roy Sheridan filed an opposition to DLJ’s motion on September 7, 2018. Thereafter, DLJ filed a reply on September 28, 2018.

On October 2, 2018, the Court referred DLJ’s fee petition to the Magistrate Judge for a Report and Recommendation. On January 8, 2021, the Magistrate Judge issued her Report and Recommendation. The Magistrate Judge determined that the requested attorneys’ fees should be reduced by \$5740 to exclude unreasonable, excessive, or disallowed charges. In addition, the Magistrate Judge determined that the requested costs should be reduced by

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\$379.58 to exclude duplicate or unreasonable costs. The parties filed no objections to the Magistrate Judge's January 8, 2021 Report and Recommendation.

II. DISCUSSION

Litigants may make "specific written objections" to a magistrate judge's report and recommendation "[w]ithin 14 days after being served with a copy of the recommended disposition." *See* Fed. R. Civ. P. 72(b)(2); *see also* 28 U.S.C. § 636(b)(1) ("Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.").

When no objection to a magistrate's report and recommendation is made, the district court reviews the report and recommendation for plain error. *See Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) ("While . . . [28 U.S.C. § 636(b)(1)] may not require, in the absence of objections, the district court to review the magistrate's report before accepting it, we believe that the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report."); *see also Tice v. Wilson*, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006) *aff'd*, 276 Fed. App'x 125 (3d Cir. 2008)(explaining that, by failing to object to a portion of a report and recommendation, the litigant "waived its right to have this Court conduct a *de novo* review," and that in those circumstances, "the scope of [the court's] review is far more limited and is conducted under the far more deferential standard of 'plain error'").

Here, the parties did not file any objections to the Magistrate Judge's January 8, 2021 Report and Recommendation. As such, the Court reviews the Magistrate Judge's January 8, 2021 Report and Recommendation for plain error.

Having reviewed the record and the Report and Recommendation, the Court finds no error, let alone plain error.

The premises considered, it is hereby

ORDERED that the January 8, 2021 Report and Recommendation, ECF No. 193, is **ADOPTED**; it is further

ORDERED that DLJ's motion for attorneys' fees and costs, ECF No. 168 is **GRANTED** in part and **DENIED** in part; it is further

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ORDERED that the Sheridans shall be liable to DLJ for attorneys' fees in the amount of \$30,650; and it is further

ORDERED that the Sheridans shall be liable to DLJ for costs in the amount of \$1,847.

Dated: August 4, 2021

/s/ Robert A. Molloy

ROBERT A. MOLLOY

Chief Judge